

SENATE BILL NO. 3

INTRODUCED BY B. HAWKS

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE AGENCIES AND THE MONTANA UNIVERSITY SYSTEM TO BIENNIALY REPORT TO THE PRESERVATION REVIEW BOARD ON THE STATUS AND MAINTENANCE NEEDS OF AGENCY HERITAGE PROPERTIES; REQUIRING THE STATE HISTORIC PRESERVATION OFFICER TO REPORT THE INFORMATION TO THE LEGISLATURE; AND AMENDING SECTIONS 22-3-422, 22-3-423, AND 22-3-424, MCA."

WHEREAS, hundreds of heritage properties have been entrusted to the state of Montana, and the state's agencies are responsible for maintaining those properties on behalf of the state's citizens; and

WHEREAS, these properties are in danger of disappearing or falling into a state of disrepair from which they may never recover; and

WHEREAS, preserving and maintaining heritage properties is important not only for fostering a sense of identity and community, but also for the economic benefits to be realized through reusing buildings, attracting tourism, and revitalizing downtown areas; and

WHEREAS, regular assessment by state agencies on the condition of the heritage properties under the agencies' care will help ensure the state's ongoing stewardship of these valuable resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 22-3-422, MCA, is amended to read:

**"22-3-422. Duties of preservation review board.** The preservation review board shall:

- (1) recommend nominations to the register;
- (2) approve or disapprove all nominations to the register;
- (3) approve or disapprove additions to statewide inventories of heritage properties;
- (4) review the annual work program that recommends preservation goals and grant allocations for the next succeeding fiscal year; ~~and~~
- (5) act in an advisory capacity to the historic preservation office and to state agencies; and

1           ~~(6) convene a meeting on the first Tuesday in February of every even-numbered year to receive ACCEPT~~  
 2 ~~reports from state agencies and the Montana university system ON THE FIRST TUESDAY IN FEBRUARY OF EVERY~~  
 3 ~~EVEN-NUMBERED YEAR on the status and stewardship of the agencies' and the university system's heritage~~  
 4 ~~properties as required in 22-3-424 and to make recommendations regarding management of the properties. The~~  
 5 ~~board may require that copies of the reports be submitted in advance of the meeting."~~

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7           **Section 2.** Section 22-3-423, MCA, is amended to read:

8           **"22-3-423. Duties of historic preservation officer.** Subject to the supervision of the director of the  
 9 historical society, the historic preservation officer has the following duties and responsibilities:

10           (1) follow necessary procedures to qualify the state for money that is now or will be made available under  
 11 any act of congress of the United States or otherwise for purposes of historic preservation;

12           (2) conduct an ongoing statewide survey to identify and document heritage properties and  
 13 paleontological remains;

14           (3) maintain a state inventory file of heritage properties and paleontological remains and maintain a  
 15 repository for all inventory work done in the state;

16           (4) evaluate and formally nominate potential register properties according to the criteria established by  
 17 the register;

18           (5) prepare and annually review the state preservation plan, register nominations, and historic  
 19 preservation grant activity;

20           (6) maintain, publish, and disseminate information relating to heritage properties and paleontological  
 21 remains in the state;

22           (7) cooperate with and assist local, state, and federal government agencies in comprehensive planning  
 23 that allows for the preservation of heritage properties and paleontological remains;

24           (8) enter into cooperative agreements with the federal government, local governments, and other  
 25 governmental entities or private landowners or the owners of objects to ensure preservation and protection of  
 26 registered properties;

27           (9) adopt rules outlining procedures by which a state agency that has no approved rules under  
 28 22-3-424(1) shall systematically consider heritage properties or paleontological remains on lands owned by the  
 29 state and avoid, whenever feasible, state actions or state assisted or licensed actions that substantially alter the  
 30 properties;

1 (10) respond to requests for consultation under section 106 of the National Historic Preservation Act, as  
2 provided for in 22-3-429;

3 (11) develop procedures and guidelines for the evaluation of heritage property or paleontological remains  
4 as provided in 22-3-428;

5 (12) protect from disclosure to the public any information relating to the location or character of heritage  
6 properties when disclosure would create a substantial risk of harm, theft, or destruction to the resources or to the  
7 area or place where the resources are located; ~~and~~

8 ~~(13) compile the information presented at the preservation review board meeting required in 22-3-422(6)~~  
9 ~~and report the information~~ REPORT THE INFORMATION GATHERED PURSUANT TO 22-3-422(6), along with any  
10 recommendations by the HISTORIC preservation officer or the review board, to an appropriate legislative interim  
11 committee established under Title 5, chapter 5, part 2. The report required in this subsection must also be  
12 incorporated into the biennial report required to be submitted to the governor and the legislature under  
13 22-3-107(8).

14 ~~(13)(14)~~ any other necessary or appropriate activity permitted by law to carry out and enforce the  
15 provisions of this part."  
16

17 **Section 3.** Section 22-3-424, MCA, is amended to read:

18 **"22-3-424. Duties of state agencies.** State agencies, including the Montana university system, shall:

19 (1) in consultation with the historical society adopt rules for the identification and preservation of heritage  
20 properties and paleontological remains on lands owned by the state to avoid, whenever feasible, state actions  
21 or state assisted or licensed actions that substantially alter heritage properties or paleontological remains on  
22 lands owned by the state or, in the absence of such rules, act in compliance with rules adopted under 22-3-423;

23 (2) identify and develop, in consultation with the historic preservation officer, methods and procedures  
24 to ensure that the identification and protection of heritage properties and paleontological remains on lands owned  
25 by the state are given appropriate consideration in state agency decisionmaking;

26 (3) deposit in the historic preservation office all inventory reports, including maps, photographs, and site  
27 forms, of heritage properties and paleontological remains; and

28 ~~(4) report at each meeting of~~ PURSUANT TO 22-3-422(6), PROVIDE TO the preservation review board  
29 convened pursuant to 22-3-422(6) ON THE FIRST TUESDAY IN FEBRUARY OF EVERY EVEN-NUMBERED YEAR the  
30 following information ON OR BEFORE SEPTEMBER 1 OF EACH YEAR PRECEDING THE CONVENING OF A REGULAR SESSION

1 ~~OF THE LEGISLATURE:~~

2 (a) a list of the heritage properties managed by the agencies as those properties have been identified  
3 pursuant to this section;

4 (b) the status and condition of each heritage property;

5 (c) the stewardship efforts in which the agencies have engaged to maintain each heritage property and  
6 the cost of those activities;

7 (d) a prioritized list of the maintenance needs for the properties; and

8 (e) a record of the agencies' compliance with subsections (1) and (2)."

9 - END -